

SENATE BILL 1713

By Herron

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 39, relative to certain adoptive
circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new, appropriately designated section:

39-13-1____.

(a) It is an offense for a woman to represent herself to a prospective adoptive parent or family as being pregnant when she knows she is not, and to accept funds from the parent or family during the alleged pregnancy.

(b) It is an offense for a woman to represent herself to a prospective adoptive parent or family as being willing to allow such parent or family to adopt her unborn child and to accept funds from the family during her pregnancy with the intent not to allow such adoption.

(c) A violation of subsection (a) or (b) is a class E felony. In addition to the penalties prescribed pursuant to §40-35-111(b)(5), the court shall sentence the woman pursuant to § 39-11-118 to pay full restitution to the parent or family for all the funds paid to her by the parent or family during the pregnancy or alleged pregnancy.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 1, Part 1, is amended by adding the following language as a new appropriately designated section:

36-1-1____.

If a woman represents herself to a prospective parent or family as being willing to allow such parent or family to adopt her unborn child and accepts funds from the family during her pregnancy; and if throughout the pregnancy she intends to give the child up to

such parent or family for adoption but when the child is born she does not follow through with such adoptive plans, then such parent or family has a civil cause of action against the woman for the full restitution of all the funds the parent or family paid to her during her pregnancy.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.